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EXAMINER
CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Office Action Summary	**Application No.**	**Applicant(s)**
		09/660,531	GENSKE ET AL.
		Examiner	**Art Unit**	
		AZIZUL CHOUDHURY	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 February 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>58-77</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>58-77</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>13 September 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on February 2, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 58-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Garney (US Patent No: 5,319,751) in view of Elg (US Patent No: 6,694,354).

1. With regards to claim 58, Garney teaches through Elg, a method of

    interaction between a client device and a host device to be performed when

    the client device is connected to the host device, the method comprising:

    establishing a bidirectional communication channel between the client device

    and the host device using a handshake command/response; negotiating a

    reliable stream protocol connection between the client device and the host

    device, data for the reliable stream protocol connection to flow over the

    bidirectional communication channel; identifying the host device by the

    handshake response (*Garney's design has the feature card (client) traverse*

    its list to determine the host; see column 4, lines 8-20, Garney); transmitting

executable information selected according to an identity of the host device
from the client device to the host device over the reliable stream protocol
connection and receiving a file handle for the executable information at the
host device; invoking execution of the executable information at the host
device using the file handle (*Garney's design allows for the transfer of an
executable driver (equivalent to the claimed executable) from the client to the
host; see column 3, lines 63-66, Garney*); and entering a listening mode to
receive a message sent by the executable information executing at the host
device (*Garney's design allows for polling; see column 6, lines 4-8, Garney*)

> *However, Garney's design fails to teach the claimed bidirectional
communication channel established via handshaking protocol and the
claimed use of file handles. In the same field of endeavor, Elg also teaches a
device driver delivery system. Within the Elg's disclosure, it is taught how
driver delivery systems can use USB connections (equivalent to the claimed
bidirectional communication channel); see column 5, line 42, Elg. In addition,
Elg teaches how the connection between the client and the host is
established via protocols such as TCP (equivalent to the claimed
handshaking protocol); see column 5, line 40, Elg. Furthermore, Elg teaches
how pointers are used to connect between peripheral devices and host
devices; see column 2, lines 45-50, Elg. Therefore, it would have been
obvious to one skilled in the art, during the time of the invention, to have
combined the teachings of Garney with those of Elg, to provide interfacing*

between host computers and peripheral devices (see column 1, lines 9-12,

Elg).

2. With regards to claim 59, Garney teaches through Elg, the method wherein

   the executable information comprises a device driver file (see *column 3,line*

   24, Garney).

3. With regards to claim 60, Garney teaches through Elg, the method wherein

   the device driver file, upon execution, controls interaction between the client

   device and the host device (*see column 3, line 35-40, Garney*).

4. With regards to claim 61, Garney teaches through Elg, the method wherein

   the client device comprises a digital camera (*see column 5, lines 56-58, Elg*).

5. With regards to claim 62, Garney teaches through Elg, the method wherein

   the reliable stream protocol connection is: a Transmission Control

   Protocol/Internet Protocol ("TCP/IP") connection between the client device

   and the host device (*see column 5, line 40, Elg*).

6. With regards to claim 63, Garney teaches through Elg, the method wherein

   invoking execution comprises: instructing the host device to restart itself (*The*

   feature card of Garney's design has full drivers (column 3, lines 43-44).

Official notice is taken that it is well known to those skilled in the art that if full

drivers are installed in the computer, the computer would require a restart).

7. With regards to claim 64, Garney teaches through Elg, the method wherein

    the client device comprises a digital camera device and wherein said method

    further comprises: upon execution of said executable information at said host

    device, transferring image information from said digital camera device to said

    host device *(Garney teaches a design allowing a feature card (first device) to*

    transfer and execute a driver on a computer system (second device) (column

    3, line 63 – column 4, line 7, Garney). In addition, Elg teaches how cameras

    are acceptable peripheral devices (column 5, lines 56-58, Elg)).

8. With regards to claim 65, Garney teaches through Elg, the method further

    comprising: after transferring said image information from the digital camera

    device to the host device, the host device wirelessly transmitting the image

    information to a third device *(see column 2, lines 64-65, Elg).*

9. With regards to claims 66 and 75, Garney teaches through Elg, an apparatus

    comprising: a physical interface manager to detect when the apparatus is

    connected to a host *(Garney's design features a flag to indicate the detection*

    of a connection between the feature card (client) and the computer (host);

    column 4, lines 13-20, Garney); a driver uploader to identify a type of the host

(*Garney's design has the feature card (client) traverse its list to determine the host; column 4, lines 8-20, Garney*), transmit a driver appropriate for the host type to the host over the reliable bidirectional data communication channel, receive a file handle for the driver at the host (*see column 3, lines 63-66, Garney*), and invoke the driver at the host using the file handle (*see column 3, lines 66-68, Garney*); and a command server to respond to commands from the driver (*see column 6, lines 4-8, Garney*).

However, Garney's design fails to teach the claimed bidirectional communication channel established and the claimed use of file handles. In the same field of endeavor, Elg also teaches a device driver delivery system. Within the Elg's disclosure, it is taught how driver delivery systems can use USB connections (equivalent to the claimed bidirectional communication channel); see column 5, line 42, Elg. Furthermore, Elg teaches how pointers are used to connect between peripheral devices and host devices; see column 2, lines 45-50, Elg. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Garney with those of Elg, to provide interfacing between host computers and peripheral devices (see column 1, lines 9-12, Elg).

10. With regards to claims 67 and 76, Garney teaches through Elg, the apparatus wherein the protocol manager is to negotiate: a Transmission Control

Protocol/Internet Protocol ("TCP/IP") protocol connection between the
apparatus and the host (*see column 5, line 40, Elg*).

11. With regards to claim 68, Garney teaches through Elg, the apparatus further
comprising: an Extensible Markup Language ("XML") parser to package
commands and data using XML syntax (*The driver is simply executable
(column 3, lines 66-68, Garney) and hence any executable language is
acceptable (including XML)*).

12. With regards to claim 69, Garney teaches through Elg, the apparatus further
comprising: a registry manager to store Transmission Control Protocol /
Internet Protocol ("TCP/IP") configuration settings for communicating with the
host (*see column 5, line 40, Elg*).

13. With regards to claim 70, Garney teaches through Elg, the apparatus further
comprising: a file system to store the driver for transmission to the host (*see
column 3, lines 41-51, Garney*).

14. With regards to claims 71 and 77, Garney teaches through Elg, the apparatus
wherein the driver is a Java program (*The driver is simply executable (column
3, lines 66-68, Garney) and hence any executable language is acceptable*

(including JAVA)).

15. With regards to claim 72, Garney teaches through Elg, the apparatus wherein the apparatus is a digital camera (*see column 5, lines 56-58, Elg*).

16. With regards to claim 73, Garney teaches through Elg, the apparatus wherein the host is a cellular telephone (*see column 5, lines 56-58, Elg*).

17. With regards to claim 74, Garney teaches through Elg, the apparatus wherein the driver uploader includes at least two drivers, the two drivers designed for different hosts (*Garney teaches how the feature card traverses a list to determine the host appropriate host; column 4, lines 8-20. Hence it is clearly evident that multiple drivers exist within the feature card for multiple hosts*).

18. The obviousness motivation applied to claim 58 are applicable to claims 59-77.

Response to Amendment

The amendment filed on February 2, 2008 has been carefully considered but is not deemed fully persuasive. The newly added claims 75, 76 and 77 are deemed equivalent to the previously presented claims 66, 67 and 71, respectively. The following are the examiner's response to the applicant's concerns.

The first point of contention involves the claim trait of a bidirectional channel and the claim trait of the client device identifying the host device wherein the device driver is transmitted from the client device to the host device. The applicant contends that since the Elg art does not teach the driver being transmitted from the client to the host and that Elg also does not teach the client identifying the host that the Elg art teaches away from claimed invention and hence is not applicable. The examiner disagrees with these assertions. The Elg art has been use in <u>combination</u> with the Garney art. Elg teaches the connection of devices via USB, which is a bidirectional channel. It is the Garney art that teaches the client device identifying the host device (Garney's design has the feature card (client) traverse its list to determine the host; see column 4, lines 8-20) and it is the Garney art that teaches the driver being transmitted from the client device to the host device (see column 3, lines 53-66 and column 4, lines 8-20). Both the Elg and Garney arts are in the field of driver delivery and it would have been obvious to have combined the two arts to provide interfacing between host computers and peripheral devices (see column 1, lines 9-12, Elg).

The second point of contention involves the new claim traits of, "handshaking." The applicant contends that the Garney prior art does not teach such limitations. In response to the previous amendment, the Elg art was combined with the Garney art. Elg teaches the use of TCP between the connecting devices. TCP is a handshaking protocol.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145